Country experience CROATIA enforcing ODS & F-Gas Regulation & EUROPOL

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Europol Unclassified – Basic Protection Level
The European Union

In terms of Montreal protocol, for Croatia 2013 was a turning point when Croatia joined the EU on 1\textsuperscript{st} of July 2013 we were no longer Article 5 party we become non-Article 5 party
...as an Article 5 country (period till 30\textsuperscript{th} June 2013)

phase-out program for different groups of ozone – depleting substances (ODS) consumption was timely beyond what is defined for developed countries

controlling of ODS imports and exports (Customs)
controlling of ODS trade (Management authority)

with support of Multilateral fund we received financial and technical assistance for phase-out the use of ODS (projects, educational workshop for all stakeholders in public and private sector, public awareness....)
...as an Article 5 country (period till 30\textsuperscript{th} June 2013)

most of our effort and focus especially from 2009 till 2013 was on CFC (R-11) and HCFC (mainly R-22)

in that time, Croatian company was importing a lot of HCFC in Croatia and most of that trade afterwards was shipped (sold for re-export) regularly to neighboring countries like BIH, MNG, SRB, AL...

in Croatia old equipment (both and public and private sector) was still in use and demand for ODS was high

due to phase-out system, black / illegal market starting to grown (illegal import from SRB and BIH to HR – seizures by Customs)
...non-Article 5 country (1st of July 2013...)

after EU accession, we have started to apply the European legislation

Regulation (EC) No 1005/2009 on Ozone Depleting Substances

Regulation (EC) No 842/2006 on certain fluorinated greenhouse gases

...non-Article 5 country (1st of July 2013...)

applying and implementing EU Reg. on ODS as new legislation, we were not able any more to have transit as customs procedure, through Croatian customs territory to neighboring countries
Regulation (EU) No 517/2014

stepped into force on 1\textsuperscript{st} of January 2015 with main objective to protect the environment by reducing emission of fluorinated greenhouse gases, introducing a number of far-reaching changes

the F-gas Regulation requires that the amount of HFCs placed on the market in the EU must be reduced (or ‘phased down’) by 79% between 2015 and 2030

the phase-down is carried out using an HFC quota system obligation to join HFC registry for quota proper labelling when products and equipment are placed on market
Regulation (EU) No 517/2014

the Regulation also affect other markets, in particular countries exporting to the EU
does this open opportunities for smugglers?!...for black market?!
December 8<sup>th</sup> 2015, a private person, Croatian nationality, did not declare 4 cylinders of refrigerants to the Customs officers when entering to Croatia from BIH.

Cylinders were placed in the trunk of the private car and the driver had no intention to declare them. He was caring one cylinder of R-404 of 10.9 kg, two cylinders of R410A, 11.3 kg each and one cylinder of 13.6 kg containing R-22.
Role of Customs....

Customs Service has been recognized as one of the key stakeholder for effective Montreal Protocol implementation and phase-out of ozone-depleting substances (ODS) and F-gas regulation:

...monitoring & control, enforcement of the import / export licensing and quota system, prevention of illegal trade, trade statistics and data reporting...
What Customs do?

The key to effective enforcement of ODS trade restrictions is the training of Customs Officers on national legislation, the type of controlled substances, products and equipment, commonly used smuggling schemes and how to detect illegal trans-boundary movement of ODS.

Alongside that COOPERATION on national and international level is very important – like one MS has with EUROPOL.
Goal and Vision

EUROPOL as a multi-disciplinary and multi-agency organization delivers a unique set of operational services for the European Union (EU) in three main areas:

To function as the principal EU support centre for law enforcement operations;
To become the criminal information hub of the EU;
To develop further as an EU centre for law enforcement expertise.
Key business

Criminal information hub
✓ Facilitation of the data exchange

Support to law enforcement operations
✓ Coordination and analysis
✓ Facilitation and financing of operational/expert meetings
✓ Joint investigations

Expertise centre
✓ On-the-spot’ support
Europol’s functions

The European Union’s law enforcement agency

Collect, analyse and disseminate criminal intelligence

Facilitate the information exchange between Member States

Provide operational and analytical support to law enforcement investigations

Remit includes serious international crime and terrorism, when 2 or more MS are affected
EU law enforcement policy cycle

National threat assessments compiled by each MS

Summarised in Europol’s Serious Organised Crime Threat Assessment (SOCTA) 2017

Standing Committee on Internal Security (COSI) specifies priority crime areas for the EU

Endorsed by the Justice and Home Affairs (JHA) Council

9 European Multidisciplinary Platform Against Criminal Threat (EMPACT) projects
Europol’s current SOCTA identifies the following priority crime threats:

- cybercrime
- drug production, trafficking and distribution
- migrant smuggling
- organised property crime
- trafficking in human beings, criminal finances and money laundering
- document fraud
- online trade in illicit goods and services
Environmental crime – priority?!

• Environmental crime is diverse: different market places, suppliers, customers, victims, commodities and modus operandi

• Still a question of priority at national level and of exchange of information/assessment of the exact extent

• Illicit trade can be intercepted within the supply chain, mainly at borders.

• Financial investigations and asset seizure measures are crucial instruments in disrupting criminal enterprises

• EU cooperation is needed. EU crime priority?
Difficulties & Challenges

**MS Legislation:** Environmental crime considered as a Serious Crime??

- Strong differences among MS
- Low penalties foreseen
  - Consequently difficulty to use investigation resources.
- Low rate of sentences

**Specialised Units:**

- Lack in most countries
- When exist: Lack or resources
Thank you for your attention.

Any questions?

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